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7 Attorney for GILBERTO CISNEROS

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 GILBERTO CISNEROS,

15 Defendant.
16

Case No. 2:17-cr-121-JAD-PAL-1

**STIPULATION TO CONTINUE
MOTION DATES**
(First Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
19 Acting United States Attorney, and Brandon Jaroch., Assistant United States Attorney, counsel
20 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
21 Rebecca A. Levy, Assistant Federal Public Defender, counsel for Gilberto Cisneros, that the
22 parties herein shall have to and including July 17, 2017, to file any and all pretrial motions and
23 notices of defense.

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
25 shall have to and including July 31, 2017 to file any and all responsive pleadings.
26

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including August 7 2017, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. The defendant is in custody but does not oppose the continuance.

5 2. Since the filing of the previous stipulation, undersigned defense counsel has
6 continued diligently in the process of reviewing and investigating discovery to determine
7 whether a meritorious pretrial motion is appropriate. Additional time is needed to complete the
8 processes.
9

10 3. The additional time requested herein is not sought for purposes of delay, but
11 merely to allow counsel for the defendant sufficient time to complete necessary research,
12 prepare and submit appropriate pretrial motions after conferring with the defendant.

13 4. Denial of this request for continuance would deny counsel for the defendant
14 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of
15 defense, taking into account the exercise of due diligence.

16 5. Additionally, denial of this request for continuance could result in a miscarriage
17 of justice.

18 6. The additional time requested by this Stipulation is excludable in computing the
19 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
20 United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A),
21 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and
22 3161(h)(7)(B)(iv).
23
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1 This is the Second stipulation to continue trial dates filed herein.

2 DATED this 20th day of June, 2017.

3
4 RENE L. VALLADARES
Federal Public Defender

5 /s/ *Rebecca A. Levy*

6 By _____

7 REBECCA A. LEVY
Assistant Federal Public Defender
8 Counsel for GILBERTO CISNEROS

STEVEN W. MYHRE,
Acting United States Attorney

/s/ *Brandon Jaroch*

By _____

BRANDON JARACH.
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 GILBERTO CISNEROS,

7 DEFENDANT.
8

Case No. 2:17-cr-121-JAD-PAL-1

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

- 12 1. The defendant is in custody but does not oppose the continuance.
- 13 2. Since the filing of the previous stipulation, undersigned defense counsel has
14 continued diligently in the process of reviewing and investigating discovery to determine
15 whether a meritorious pretrial motion is appropriate. Additional time is needed to complete the
16 processes.
17
- 18 3. The additional time requested herein is not sought for purposes of delay, but
19 merely to allow counsel for the defendant sufficient time to complete necessary research,
20 prepare and submit appropriate pretrial motions after conferring with the defendant.
- 21 4. Denial of this request for continuance would deny counsel for the defendant
22 sufficient time to effectively and thoroughly prepare and submit pretrial motions and notices of
23 defense, taking into account the exercise of due diligence.
- 24 5. Additionally, denial of this request for continuance could result in a miscarriage
25 of justice.
26

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

This is the Second stipulation to continue trial dates filed herein.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have until July 17, 2017 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED the parties shall have to and including July 31, 2017 to file any all responses.

IT IS FURTHER ORDERED the parties shall have to and including August 7 2017 to file any and all replies.

DATED this 20th day of June, 2017.

UNITED STATES MAGISTRATE JUDGE